



Mark DeCoursey <mhdecoursey@gmail.com>

Fwd: Don't ask, just hint -- another suggestion

1 message

Carol DeCoursey <cdecoursey@gmail.com>

Tue, Feb 15, 2011 at 1:06 PM

To: "McBride, Ryan" <mcbrider@lanepowell.com>, "Degginger, Grant" <DeggingerG@lanepowell.com>, "Gabel, Andrew J." <GabelA@lanepowell.com>

Cc: Mark DeCoursey <mhdecoursey@gmail.com>

There is also another approach: Tell the Supreme Court that we don't want this reviewed, but if they decided to review, we'd like them to hear this issue . . . (Windermere's end run around CPA through attrition warfare.)

The best of all worlds, yes?

----- Forwarded message -----

From: **Carol DeCoursey** <cdecoursey@gmail.com>

Date: Tue, Feb 15, 2011 at 12:17 PM

Subject: Don't ask, just hint

To: "McBride, Ryan" <mcbrider@lanepowell.com>, "Degginger, Grant" <DeggingerG@lanepowell.com>, "Gabel, Andrew J." <GabelA@lanepowell.com>

Cc: Mark DeCoursey <mhdecoursey@gmail.com>

Gentlemen:

How about this:

Add a paragraph or so in which we do NOT find fault with what the Court of Appeals did, but state that from the beginning Windermere has engaged in attrition warfare: before the trial, during the trial, after the trial, in its Court of Appeals petition, and now in Supreme Court petition. You can say that Windermere is effectively punishing us financially for filing a CPA action by bringing up arguments and objections to the appeal courts that are dead on arrival.

We have already successfully argued that this is Windermere's strategy, and the argument was accepted. So we would not be doing anything we have not done before.

Bottom line: Allow the Supreme Court to decide to do something about it *sua sponte*.

Carol